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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,784	09/27/2001	John McElwain	873.0100.U1(US)	3408

29683 7590 09/30/2005

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EXAMINER	
NGUYEN, TUAN HOANG	
ART UNIT	**PAPER NUMBER**
2643	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/965,784	MCELWAIN ET AL.	
	Examiner	Art Unit	
	Tuan H. Nguyen	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 September 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *01/24/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 01/24/2003 has been considered by Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3, 5-6, 8, 17, and 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizikovsky (U.S PAT. 5,983,115) in view of Bamburak et al. (U.S PAT. 6,6,807,418 hereinafter, "Bamburak").

Regarding claim 1, Mizikovsky discloses a method for operating a wireless communication system of a type that transmits System Identification (SID) parameters to mobile stations, comprising: storing a SID that identifies a Home service provider for the mobile station (col. 3 lines 38-46); identifying a plurality of SIDs having a common spatial characteristic (Fig. 2 col. 5 lines 54-64); storing the identified plurality of SIDs in a memory that is accessible by a mobile station (col. 5 lines 20-24). Mizikovsky differs from the claimed invention in not specifically teaching for comparing a SID received from a wireless service provider to the stored plurality of SIDs; and upon any one of the plurality of stored SIDs matching the received SID, declaring the wireless service provider as being a Home service provider for the mobile station. However, Bamburak teaches for comparing a SID received from a wireless service provider to the stored plurality of SIDs (col. 5 lines 9-19); and upon any one of the plurality of stored SIDs matching the received SID, declaring the wireless service provider as being a Home service provider for the mobile station (col. 11 lines 1-6). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to

modify Mizikovsky for comparing a SID received from a wireless service provider to the stored plurality of SIDs; and upon any one of the plurality of stored SIDs matching the received SID, declaring the wireless service provider as being a Home service provider for the mobile station as per teaching of Bamburak, because it provides a method for locating a particular or desirable communications service provider in an environmental having a plurality of service providers.

Regarding claim 2, Mizikovsky further discloses the common spatial characteristic (information of the system operator code SOC) is comprised of a geographical area that corresponds to a postal zone (col. 2 lines 54-64, Fig. 2 illustrates a map of the United State cities such as Seattle, Chicago, and Washington D.C. had the same SOC may be found in several different locations although on different frequency bands).

Regarding claim 3, Mizikovsky further discloses the common spatial characteristic (information of the system operator code SOC) is comprised of a geographical area that corresponds to a ZIP code (col. 2 lines 54-64, Fig. 2 illustrates a map of the United State cities such as Seattle, Chicago, and Washington D.C. had the same SOC may be found in several different locations although on different frequency bands).

Regarding claim 5, Bamburak further discloses if none of the plurality of stored SIDs matches the received SID, further comprising comparing the received SID to other stored SIDs, including at least one of a Partner SID, a Favored SID and a Forbidden SID (col. 11 lines 22-29).

Regarding claim 6, Bamburak further discloses if none of the plurality of stored SIDs matches the received SID, further comprising comparing a received System Operator Code (SOC) to stored SOCs, including at least one of a Partner SOC, a Favored SOC and a Forbidden SOC (col. 11 lines 22-29).

Regarding claim 8, Bamburak further discloses the step of comparing includes a preliminary step of comparing the received SID to the stored SID that identifies the Home service provider for the mobile station, and upon a match declaring the service provider to be the Home service provider, and inhibiting the execution of the step of comparing the SID received from a wireless service provider to the stored plurality of SIDs (Fig. 4 col. 5 line 20 through col. 6 line 7).

Regarding claim 17, Mizikovsky discloses at least one memory, the at least one memory comprising a location for storing a Home SID and other locations for storing a plurality of Cousin SIDs, wherein a SID received through said wireless controller is declared by said controller to be associated with a Home service provider if the received SID matches the stored Home SID or any one of the plurality of stored Cousin SIDs

(Fig. 4 col. 5 lines 20-56). Mizikovsky differs from the claimed invention in not specifically teaching for the mobile station, comprising: a controller; a wireless transceiver. However, Bamburak teaches for the mobile station, comprising: a controller (Fig. 3 col. 4 lines 55-57); a wireless transceiver (Fig. 3 col. 4 lines 51-55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Mizikovsky for the mobile station, comprising: a controller; a wireless transceiver as per teaching of Bamburak, because it provides a method for locating a particular or desirable communications service provider in an environmental having a plurality of service providers.

Regarding claim 19, Bamburak further discloses the Cousin SIDs are stored in a memory that is detachable from said mobile station (col. 7 lines 2-11).

Regarding claim 20, Mizikovsky discloses for operating a wireless communication system of a type that transmits System Identification (SID) parameters to prepaid mobile stations, comprising: storing, in at least one memory that is accessible by a mobile station, a first SID that identifies a Home service provider for the mobile station and a plurality of second SIDs (Fig. 4 col. 5 lines 20-56). Mizikovsky differs from the claimed invention in not specifically teaching for comparing a SID received from a wireless service provider to the first SID and upon the received SID matching the first SID, declaring the wireless service provider to be a Home category service provider for the mobile station; and if the received SID does not match the first SID, comparing the

received SID to the plurality of second SIDs and upon the received SID matching any one of the plurality of second SIDs, declaring the wireless service provider to be the Home category service provider for the mobile station. However, Bamburak teaches for comparing a SID received from a wireless service provider to the first SID and upon the received SID matching the first SID, declaring the wireless service provider to be a Home category service provider for the mobile station (col. 5 lines 9-19 and col. 11 lines 1-6); and if the received SID does not match the first SID, comparing the received SID to the plurality of second SIDs and upon the received SID matching any one of the plurality of second SIDs, declaring the wireless service provider to be the Home category service provider for the mobile station (col. 11 lines 1-6 and lines 22-29). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Mizikovsky for comparing a SID received from a wireless service provider to the first SID and upon the received SID matching the first SID, declaring the wireless service provider to be a Home category service provider for the mobile station; and if the received SID does not match the first SID, comparing the received SID to the plurality of second SIDs and upon the received SID matching any one of the plurality of second SIDs, declaring the wireless service provider to be the Home category service provider for the mobile station as per teaching of Bamburak, because it provides a method for locating a particular or desirable communications service provider in an environmental having a plurality of service providers.

Regarding claim 21, Bamburak further discloses if the received SID does not match any of the second SIDs, comparing the received SID to SIDs stored in an intelligent roaming data base (IRDB) (col. 5 lines 41-48 and col. 10 lines 9-21).

Regarding claim 22, Mizikovsky discloses a wireless communication system of a type that transmits System Identification (SID) parameters to prepaid mobile stations, comprising: storing, in at least one memory that is accessible by a mobile station, a first SID that identifies a Home service provider for the mobile station and a plurality of second SIDs (Fig. 4 col. 5 lines 20-56). Mizikovsky differs from the claimed invention in not specifically teaching for comparing a SID received from a wireless service provider to the plurality of second SIDs and upon the received SID matching any one of the plurality of second SIDs, declaring the wireless service provider to be a Home category service provider for the mobile station; and if the received SID does not match any one of the plurality of second SIDs, comparing the received SID to the first SID and upon the received SID matching the first SID, declaring the wireless service provider to be the Home category service provider for the mobile station. However, Bamburak teaches for comparing a SID received from a wireless service provider to the plurality of second SIDs and upon the received SID matching any one of the plurality of second SIDs, declaring the wireless service provider to be a Home category service provider for the mobile station (col. 11 lines 1-6); and if the received SID does not match any one of the plurality of second SIDs, comparing the received SID to the first SID and upon the received SID matching the first SID, declaring the wireless service provider to be the

Home category service provider for the mobile station (col. 11 lines 1-6 and lines 22-29). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Mizikovsky for comparing a SID received from a wireless service provider to the plurality of second SIDs and upon the received SID matching any one of the plurality of second SIDs, declaring the wireless service provider to be a Home category service provider for the mobile station; and if the received SID does not match any one of the plurality of second SIDs, comparing the received SID to the first SID and upon the received SID matching the first SID, declaring the wireless service provider to be the Home category service provider for the mobile station as per teaching of Bamburak, because it provides a method for locating a particular or desirable communications service provider in an environmental having a plurality of service providers.

Regarding claim 23, Bamburak further discloses if the received SID does not match the first SID, comparing the received SID to SIDs stored in an intelligent roaming data base (IRDB) (col. 5 lines 41-48 and col. 10 lines 9-21).

Regarding claim 24, Mizikovsky discloses a method for operating a wireless communication system of a type that transmits System Identification (SID) and System Operator Code (SOC) parameters to prepaid mobile stations, comprising: storing, in at least one memory that is accessible by a mobile station, a SOC that identifies a Home service provider for the mobile station and a plurality of SIDs (Fig. 4 col. 5 lines 20-56).

Mizikovsky differs from the claimed invention in not specifically teaching for comparing a SOC received from a wireless service provider to the stored SOC and upon the received SOC matching the stored SOC, declaring the wireless service provider to be a Home category service provider for the mobile station (col. 5 lines 9-19 and col. 11 lines 1-6); and if the received SOC does not match the stored SOC, comparing a related received SID to the plurality of stored SIDs and upon the received SID matching any one of the plurality of second SIDs, declaring the wireless service provider to be the Home category service provider for the mobile station (col. 11 lines 1-6 and lines 22-29). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Mizikovsky for comparing a SOC received from a wireless service provider to the stored SOC and upon the received SOC matching the stored SOC, declaring the wireless service provider to be a Home category service provider for the mobile station; and if the received SOC does not match the stored SOC, comparing a related received SID to the plurality of stored SIDs and upon the received SID matching any one of the plurality of second SIDs, declaring the wireless service provider to be the Home category service provider for the mobile station as per teaching of Bamburak, because it provides a method for locating a particular or desirable communications service provider in an environmental having a plurality of service providers.

Regarding claim 25, Bamburak further discloses if the received SID does not match any of the second SIDs, comparing the received SID or SOC to SIDs or SOCs

stored in an intelligent roaming data base (IRDB) (col. 5 lines 41-48 and col. 10 lines 9-21).

Regarding claim 26, Mizikovsky discloses a method for operating a wireless communication system of a type that transmits System Identification (SID) and System Operator Code (SOC) parameters to prepaid mobile stations, comprising: storing, in at least one memory that is accessible by a mobile station, a SOC that identifies a Home service provider for the mobile station and a plurality of SIDs (Fig. 4 col. 5 lines 20-56). Mizikovsky differs from the claimed invention in not specifically teaching for comparing a SID received from a wireless service provider to the plurality of stored SIDs and upon the received SID matching any one of the plurality of stored SIDs, declaring the wireless service provider to be a Home category service provider for the mobile station; and if the received SID does not match any one of the plurality of stored SIDs, comparing a received SOC to the stored SOC and upon the received SOC matching the stored SOC, declaring the wireless service provider to be the Home category service provider for the mobile station. However, Bamburak teaches for comparing a SID received from a wireless service provider to the plurality of stored SIDs and upon the received SID matching any one of the plurality of stored SIDs, declaring the wireless service provider to be a Home category service provider for the mobile station (col. 11 lines 1-6); and if the received SID does not match any one of the plurality of stored SIDs, comparing a received SOC to the stored SOC and upon the received SOC matching the stored SOC, declaring the wireless service provider to be the Home category service provider for the

mobile station (col. 11 lines 1-6 and lines 22-29). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Mizikovsky for comparing a SID received from a wireless service provider to the plurality of stored SIDs and upon the received SID matching any one of the plurality of stored SIDs, declaring the wireless service provider to be a Home category service provider for the mobile station; and if the received SID does not match any one of the plurality of stored SIDs, comparing a received SOC to the stored SOC and upon the received SOC matching the stored SOC, declaring the wireless service provider to be the Home category service provider for the mobile station as per teaching of Bamburak, because it provides a method for locating a particular or desirable communications service provider in an environmental having a plurality of service providers.

Regarding claim 27, Bamburak further discloses if the received SOC does not match the stored SOC, comparing the received SID or SOC to SIDs or SOCs stored in an intelligent roaming data base (IRDB) (col. 5 lines 41-48 and col. 10 lines 9-21).

5. Claims 4, 7, 9, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizikovsky (U.S PAT. 5,983,115) in view of Bamburak et al. (U.S PAT. 6,807,418 hereinafter, "Bamburak") as applied to claims above, and further in view of McGregor et al. (U.S PUB. 2001/0000777 hereinafter, "McGregor").

Regarding claim 4, Mizikovsky and Bamburak, in combination, fails to discloses the steps of identifying, storing, comparing and declaring are executed only if the mobile station is classified as being in a Prepaid mode of operation. However, McGregor teaches the steps of identifying, storing, comparing and declaring are executed only if the mobile station is classified as being in a Prepaid mode of operation (col. 8 lines 53-55). Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of McGregor into view of Mizikovsky and Bamburak, in order to provide the mobile phone unit having an internal processor with accessible internal memory for storing the accounting program and call data for each call.

Regarding claim 7, McGregor further discloses displaying a message to a user for informing the user that the user is operating in a Prepaid mode with one of a plurality of system providers having SIDs that are associated with a geographical area that is the user's home geographical area (page 12 claim 25).

Regarding claim 9, McGregor further discloses the common spatial characteristic Is comprised of a geographical area that is defined by information received from a customer of a prepaid service provider (page 12 claim 25).

Regarding claim 18, McGregor further discloses the Cousin SIDs are stored into said memory under the direction of a prepaid service provider, and correspond to SIDs

associated with one or more service providers that service a predetermined geographical area that is defined to be a non-roaming area of a customer of the prepaid service provider (page 12 claim 25).

6. Claims 10, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGregor et al. (U.S PUB. 2001/0000777 hereinafter, "McGregor") in view of Bamburak et al. (U.S PAT. 6,807,418 hereinafter, "Bamburak").

Regarding claim 10, McGregor discloses a wireless communication system of a type that transmits System Identification (SID) parameters to mobile stations, comprising in mobile stations associated with a prepaid service provider at least one memory storing a SID that identifies a Home service provider for the mobile station and a list containing a plurality of other SIDs having a common spatial characteristic (page 12 claim 25). McGregor differs from the claimed invention in not specifically teaching for the mobile station comprising a processor that is coupled to the at least one memory and that is responsive to a received SID for comparing the received SID to the SIDs in the list of SIDs and, upon any one of the plurality of SIDs matching the received SID, declaring a wireless service provider that transmitted the SID as being the Home service provider for the mobile station. However, Bamburak teaches for the mobile station comprising a processor that is coupled to the at least one memory and that is responsive to a received SID for comparing the received SID to the SIDs in the list of SIDs and, upon any one of the plurality of SIDs matching the received SID, declaring a

wireless service provider that transmitted the SID as being the Home service provider for the mobile station (col. 5 lines 9-19 and col. 11 lines 1-6). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify McGregor for the mobile station comprising a processor that is coupled to the at least one memory and that is responsive to a received SID for comparing the received SID to the SIDs in the list of SIDs and, upon any one of the plurality of SIDs matching the received SID, declaring a wireless service provider that transmitted the SID as being the Home service provider for the mobile station as per teaching of Bamburak, because it provides a method for locating a particular or desirable communications service provider in an environmental having a plurality of service providers.

Regarding claim 12, McGregor further discloses the common spatial characteristic is comprised of a geographical area that is defined by information received from a customer of the prepaid service provider (page 12 claim 19).

Regarding claim 13, Bamburak further discloses if none of the plurality of other SIDs matches the received SID, the processor compares the received SID to other stored SIDs found in an Intelligent Roaming Data Base (IRDB) (col. 5 lines 41-48 and col. 10 lines 9-21).

Regarding claim 14, Bamburak further discloses if none of the plurality of other SIDs matches the received SID, the processor compares a received System Operator Code (SOC) to stored SOCs found in an Intelligent Roaming Data Base (IRDB) (col. 5 lines 41-48 and col. 10 lines 9-21).

Regarding claim 15, McGregor further discloses a display for displaying a message to a user for informing the user that the user is operating in a Prepaid mode with one of a plurality of system providers having SIDs that are associated with a geographical area that is the user's home geographical area (page 12 claim 25).

Regarding claim 16, Bamburak further discloses the processor first compares the received SID to the stored SID that identifies the Home service provider for the mobile station, and upon a match declares the service provider to be the Home service provider, and inhibits comparing the received SID the list of other SIDs (Fig. 4 col. 5 line 20 through col. 6 line 7).

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGregor et al. (U.S PUB. 2001/0000777 hereinafter, "McGregor") in view of Bamburak et al. (U.S PAT. 6,807,418 hereinafter, "Bamburak") as applied to claims above, and further in view of Mizikovsky (U.S PAT. 5,983,115).

Regarding claim 11, McGregor and Bamburak, in combination, fails to discloses the common spatial characteristic (information of the system operator code SOC) is

comprised of a postal zone, such as a ZIP code. However, Mizikovsky teaches the common spatial characteristic is comprised of a postal zone, such as a ZIP code (col. 2 lines 54-64, Fig. 2 illustrates a map of the United State cities such as Seattle, Chicago, and Washington D.C. had the same SOC may be found in several different locations although on different frequency bands). Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Mizikovsky into view of McGregor and Bamburak, in order to locate a wireless service provider in a multi-service provider environment using a storeed list of preferred service providers.

Conclusion

8. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571)272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen

Examiner

Art Unit 2643

GEORGE ENG
PRIMARY EXAMINER